



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

24th Day of August, 2016
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR:

Richard Judkins

***PLANNING AND ZONING
COMMISSION VICE CHAIR:***

Kass Wallin

BOARD MEMBERS:

Allen Litster
Colleen Costello
Shane Liedtke
Evan Hanson (1st Alternate)
Don Slick (2nd Alternate)

STAFF:

Lesley Burns, City Planner
Matt Hilderman, Associate Planner
Nicole Selman, DCD Administrative Assistant
Chris Butte, Economic Development Director

GENERAL SESSION

Chairman Pro Tem Wallin called the Planning & Zoning Commission meeting to order at 7:03 p.m. The meeting began with the recitation of the Pledge of Allegiance. He informed the public there were agendas on the front table along with a sign-in sheet for them to sign. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; after which, the floor would be open to the public for their brief statements and comments.

ROLL CALL

Mr. Hanson	Present
Mr. Liedtke	Present
Mr. Litster	Present
Ms. Costello	Present
Mr. Wallin	Present
Mr. Slick	Present
Mr. Judkins	Excused

PUBLIC HEARING

1. CUP-21-25-452-025; ETNA PROPERTIES DUPLEX; 276 WEST CENTER STREET; CONDITIONAL USE PERMIT FOR TWO UNIT RESIDENTIAL STRUCTURE (DUPLEX); SINGLE FAMILY RESIDENTIAL ZONE (SF-1)/DUPLEX OVERLAY; KEITH WARBURTON/ETNA PROPERTIES LLC (APPLICANT)

Mr. Hilderman presented that the applicant, Keith Warburton, is requesting approval to convert an existing one story, single-family dwelling at 276 West Center Street, into a two unit residential structure (duplex). The main floor of the home would be identified as one unit and the basement floor would be identified as the second unit. This property is zoned SF-1 with a Duplex Overlay, whereupon the Duplex Overlay allows duplexes as a conditional use, provided the general conditional use criteria are satisfied. The applicable criterion includes the following:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears a two-unit residential use will not be detrimental to surrounding uses and proposed tenants. There are existing duplex uses located

along this roadway, and, from review of records from the Salt Lake County Assessor's Office, it appears this structure, built in 1926, was created with 10 rooms, 2 full baths, 1232 sq. ft. of floor area for the main and basement levels, 2 fireplaces, and a common kitchen area. Based on the use, four parking spaces are required and have been provided to the rear of the property as well as potential guest parking. All improvements exist, with sufficient utility capacity and emergency vehicle access.

Based upon this development being proposed in this location, this project must comply with the Neighborhood Compatibility requirements of the SF-1 zone district to ensure the structure is architecturally compatible with respect to height, mass, and exterior materials of other homes along this block. Development along this block is predominately single-story, single-family houses with detached garages, front porches, and brick exteriors. Since this project does not propose any exterior alterations, no changes to the outside of the structure would be required; however any future exterior changes will be required to comply with the neighborhood compatibility requirement.

With the recommended condition, it does not appear that this use will be detrimental to the public health, safety, and welfare.

STAFF RECOMMENDATION:

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for ETNA Properties Duplex to be located at 276 West Center Street with the following condition:

1. The applicant shall obtain a Building Permit prior to any interior remodel work on the structure and shall comply with all requirements of the Building Official and Fire Marshall.

Mr. Litster asked if the entrance to the parking area is located on Lincoln Street.

Mr. Hilderman replied that is correct. He added that there is an existing six foot fence that is located along the west side of the property line. There is a back alley area located on the north end of the property and it is also fenced. Staff did not propose any additional fencing for this reason.

There were no further questions for Staff.

Keith Warburton with ETNA Properties, 9160 South 300 West, Sandy, stated he is the applicant. He explained that this is a great piece of property that is well suited to be a duplex unit because it has four entrances to the property. There are two entrances to the top unit and two entrances to the bottom unit. It is really rare to see that kind of accessibility in a duplex. He feels they have been able to maintain the character of the home during their renovation of the site. It is going to be a really attractive property once it is complete.

Mr. Wallin asked how long ETNA Properties has owned this home.

Mr. Warburton explained that ownership of this property was transferred from a non-profit organization to ETNA Properties around one year ago.

Mr. Wallin asked if the home has been rented out the entire time it has been under the ownership of ETNA Properties.

Mr. Warburton replied that this home was in extreme disrepair when they acquired it. It was actually being used as a four-plex with two illegal units jammed into the structure before ownership was transferred to them. Once they took possession of the property it was too deteriorated for occupation.

Mr. Liedtke asked if ETNA Properties will be responsible for maintaining the property or if that will be a responsibility of the tenants.

Mr. Warburton stated they will provide yard and exterior maintenance on a regular basis. Interior maintenance will be done as needed or requested by the tenant.

Mr. Litster asked if the garage is usable.

Mr. Warburton explained the garage is usable; however, it needs quite a bit of work. There are also some various small items of disrepair.

Mr. Wallin noted that it appears there used to be a common kitchen for both units. He asked if the applicant added another kitchen in order to provide separate kitchens for each unit.

Mr. Warburton stated there were actually four kitchens because this home was being used as an illegal four-plex. He actually had to tear out two kitchens rather than add one new kitchen. Currently, the home is plumbed and wired for a kitchen upstairs and a kitchen downstairs. The updated kitchens have not yet been installed.

Ms. Costello asked Mr. Warburton if he plans on being a member of the Good Landlord Program.

Mr. Warburton stated he is not familiar with the Good Landlord Program; however, it is definitely something he will research and keep in mind.

Mr. Litster explained that the Good Landlord Program is a program that is meant to protect the tenants, landlords, and community of Midvale City.

There were no further questions or comments for the applicant.

Mr. Liedtke moved to open the meeting to a Public Hearing. Ms. Costello seconded the motion. Motion carried.

There were no questions or comments from the public.

Mr. Litster moved to close the Public Hearing. Mr. Hanson seconded the motion. Motion carried.

Mr. Litster stated this is an attractive home that needed some repairs. He really appreciates the applicant's desire to maintain this property because of its location on Center Street.

Mr. Liedtke commented that he is pleased to see this home change from being a four-plex into being a duplex. It sounds like it was a real mess as a four-plex. The renovations will definitely be an improvement to the neighborhood.

Mr. Hanson mentioned his concerns with all of the tenants having the ability to get into the parking lot without having to worry about someone else parking properly.

Mr. Liedtke asked the applicant if they intend to do a curb cut in order to add a fourth parking spot.

Mr. Warburton explained that he isn't completely familiar with the building regulations that might allow or restrict a curb cut. It's something they would like to do if they are allowed too.

Ms. Burns commented that it might be something they could do; however, Staff will need to first collect some measurements of the property and the existing driveway.

Mr. Hanson requested a condition be added to the motion that encourages Staff to work with the applicant in figuring out what the maximum width of the driveway can be.

Mr. Hilderman suggested another condition that requires the applicant to obtain and maintain a Midvale City Business License for the rental operations of this property.

There was no further discussion regarding this item.

MOTION:

Mr. Litster moved that, *“Based on the proposal's compliance with the Conditional Use Permit criteria, I move to approve the Conditional Use Permit for ETNA Properties Duplex to be located at 276 West Center Street with the following conditions:*

- 1. The applicant shall obtain a Building Permit prior to any interior remodel work on the structure and shall comply with all requirements of the Building Official and Fire Marshall.*
- 2. The applicant shall satisfy City Planning Staff relative to the driveway curb cut width complying with all city code requirements.*
- 3. The applicant shall obtain and maintain a Midvale City Business License as required for a rental property.”*

Ms. Costello seconded the motion. A roll call vote was taken.

Mr. Hanson Yes
Mr. Liedtke Yes
Mr. Litster Yes
Mr. Costello Yes

Motion carried unanimously.

2. REZ/SPR-21-36-129-027; CANYONS SCHOOL DISTRICT/AT&T TELECOMMUNICATIONS FACILITY; 7852 SOUTH PIONEER STREET; REZONE TO ADD A PUBLIC FACILITIES OVERLAY TO EXISTING SF-1 ZONE AND PRELIMINARY SITE PLAN FOR TELECOMMUNICATIONS MONOPOLE; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE; JAKE THOMAS/CANYONS SCHOOL DISTRICT (APPLICANT)

Ms. Burns presented that The Canyons School District and AT&T are proposing to construct a 70 foot high “slim line” monopole with up to 12 flush mounted, panel antennas near the middle of the Midvale Elementary and Middle School grounds located at 7852 South Pioneer Street. This telecommunications facility would also include an adjacent 12 x 24 foot equipment shelter. This monopole would replace the temporary facility that was erected when the Middle School building with wall and roof mounted antennas was torn down for the construction of the new middle school.

The school property is currently zoned Single Family Residential (SF-1). This zone allows the school, but does not allow telecommunications facilities greater than 35 feet in height. The antennas on the old building complied with the wall and roof mounted telecommunications facility requirements in the SF-1 zone. The new middle school building cannot provide the needed height to provide cellular coverage to the surrounding area and along I-15 as did the old building. This telecommunications facility serves the community by providing cellular service, including service used by emergency response agencies. Without it, all of the surrounding area, including a section of I-15, will not have cellular coverage. In order to address this need, a request has been made to rezone the school district property (approximately 25 acres) to include the Public Facilities Overlay, which can allow a telecommunications facility with a 70 foot monopole, as well as to approve the proposed site plan for the monopole.

The Public Facilities Overlay can allow a telecommunications facility with a pole over 35 feet in height provided the telecommunications facility complies with the specific criteria found in the Overlay. The school campus, an educational institution, is considered a public facility. This criteria includes the following:

1. The telecommunications facility must be located with and designed as part of a public facility.
2. Evidence must be provided demonstrating the telecommunications facility location and configuration is necessary to provide transmission/reception coverage for an area that

- cannot otherwise be serviced by other telecommunications facility sites; and, without the proposed telecommunications facility, it would result in a public detriment.
3. The telecommunications facility shall be designed to allow for co-location of services for multiple providers if possible.
 4. If the telecommunications facility includes a tower or pole above thirty-five feet in height, the structure shall comply with the following:
 - a. The structure shall be located a minimum of 250 feet from an existing residential use.
 - b. The maximum height shall be eighty-five feet.
 - c. No more than one tower or pole, of any height shall be considered for each public facility.

The proposed telecommunications facility has been incorporated into the overall site for the two school campus. The location is proposed in a fenced area near the middle of the property, where it does not impact the operation and function of the schools. It is also the location that is the least obtrusive to the surrounding residences on all four sides of the school district property. The school district has an existing lease with AT&T that allows the telecommunications facility on the property. AT&T has provided maps showing the coverage with and without this facility. For the facility to provide any coverage, the antennas cannot be less than 55 feet in height. In order to flush mount the antennas (providing the smallest span of antennas on the pole) and provide room for additional antennas that may be needed in the future (possibly co-location with other providers), the 70 foot high pole is being proposed. The pole is proposed to be located approximately 500 feet from the rear property lines of the surrounding residential properties.

STAFF RECOMMENDATION:

Because educational institutions are considered public facilities, Staff recommends that the Public Facilities Overlay be included on the Canyons School District property located at 7852 South Pioneer Street, which includes a two school campus. Based on the proposed telecommunications facility with the 70 foot monopole complying with the specific criteria for a telecommunications facility in the Public Facilities Overlay, Staff also recommends approval of AT&T's proposed site plan.

Justin Hadley, a representative for AT&T, 110 East 1750 North, Orem, stated he is present on behalf of AT&T. He restated some of the items from Ms. Burns' presentation and provided the Commissioners with some details regarding the location of the telecommunications antenna before the school was redeveloped and the justifiable need of the monopole they intend to install.

Mr. Litster noted that AT&T is not the applicant for this item. He requested that a representative for Canyons School District be allowed speak before Mr. Hadley continue with his presentation.

Scott Taggart, Assistant Facilities Director with Canyon School District, 10510 South 1540 West, South Jordan, stated he is present on behalf of Canyon School District and that he would like to yield the podium to Mr. Hadley. He added that this property has been an active site for AT&T for over 15 years. The previous school building was much taller than the new building. This new shorter building is not tall enough to install a wall antenna and provide a reasonable

amount of cell phone coverage to the area. This is one instance where a monopole really is necessary.

Mr. Hadley reiterated that they explored various options before deciding a monopole would be the best choice for this site. They proposed some stealth options such as a pole disguised as a palm tree (just kidding), and, in the end, they settled upon a slim-line pole commonly known as a monopole. A monopole can allow up to 12 antennas per carrier that can be spread out across one height and split in three different sectors. Each sector is about twelve to fourteen feet wide which does not comply with City Code. They modified their design making the pole they are proposing seventy feet high while keeping each antenna flush mounted to the pole. This design will definitely have a smaller visual impact.

Mr. Wallin asked if there is a reason for proposing a monopole that will be fifteen feet shorter than the maximum allowable height provided in the Code.

Mr. Hadley replied they really only need a pole that has a minimum height of sixty-five feet. It doesn't really make sense to ask for more than what they need. They wouldn't argue against making this pole higher; however, it isn't necessary.

Mr. Wallin asked if AT&T will be the only service provider with antennas installed on this pole.

Mr. Hadley replied that at the moment they are the only service provider intended to install antennas on this pole, however, this pole will be setup for co-location which means other service providers may install their own antennas on this pole as well.

Mr. Wallin asked if AT&T has considered any other nearby locations for installing this monopole or a wall mounted antenna.

Mr. Hadley stated they researched the entire area for different location options. The school is the only feasible option because everything surrounding it is residential.

Mr. Wallin asked what the potential consequences of denying the approval of this monopole might be.

Mr. Hadley explained that denying the approval of this monopole would create legal issues between AT&T and Canyons School District. It will also leave a large coverage gap without service in Midvale City. Any AT&T customers who are on the freeway or living in that section of Midvale will not have access to quality cell phone service. There will be a higher rate of calls being dropped and a much greater risk of not being able to communicate with emergency services.

Mr. Litster asked what the building associated with the monopole will be used for.

Mr. Hadley stated the building is a 12x20 foot pre-fabricated equipment shelter that will be located inside the fenced area. It houses the equipment needed to supply power to the monopole tower as well as an emergency power generator. It is not intended to be used as a shed for storing

tools or any other items that are unrelated to the monopole. There will be diesel fuel stored inside for the power generator; however, the structure is fire proofed for added safety.

Ms. Burns pointed out that there was a similar equipment shed that was attached to the side of the old school building.

There were no further questions for the applicant.

Ms. Costello moved to open the meeting to a Public Hearing. Mr. Litster seconded the motion. Motion carried.

There were no questions or comments from the public.

Mr. Hanson moved to close the Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Mr. Liedtke stated he doesn't have an issue with the item. The applicant has addressed most of the concerns brought forth by the Commission, and the proposed location seems to be the only sensible option for this use. This technology is too heavily relied upon to deny without any regrets or long-term repercussions.

Ms. Costello agreed with Mr. Liedtke. She feels this item is very straight forward in its proposal and explanations.

Mr. Liedtke stated he does not see any public safety concerns, and all of his other concerns have been sufficiently addressed by the applicant.

Mr. Wallin explained there are two items to be approved with this proposal. There is a Rezone and there is a Site Plan. He would feel more comfortable approving the Rezone if there were some findings that explain the reasoning behind the Commission's decision to approve it. He doesn't see any issues in regards to the Site Plan, and he is comfortable approving it the way it has been presented.

There was no further discussion regarding this item.

MOTION:

Findings

Mr. Litster motioned, *"I move we adopt the following findings:*

- 1. The public school is considered in our code as a public facility and thereby qualifies for the Public Facilities Overlay.*

2. *Reasonable telecommunication services could not be provided at any other reasonable location in Midvale.*
3. *There would be a significant hole in telecommunication service provided by AT&T if they were not to locate in this location.”*

Mr. Liedtke seconded the motion. A roll call vote was taken.

Mr. Hanson Yes
Mr. Liedtke Yes
Mr. Litster Yes
Ms. Costello Yes

Motion carried unanimously.

Motion 1 – Rezone

Mr. Liedtke moved that, *“Based upon the findings that we have just reviewed, because the two school campus is considered a public facility, I move that we forward a positive recommendation to the City Council to rezone the 25 acres owned by the Canyons School District located at 7852 South Pioneer Street to include the Public Facilities Overlay Zone.”*

Ms. Costello seconded the motion. A roll call vote was taken.

Mr. Hanson Yes
Mr. Liedtke Yes
Mr. Litster Yes
Ms. Costello Yes

Motion carried unanimously.

Motion 2 – Telecommunications Facility Site Plan

Ms. Costello moved that, *“Based on the proposed telecommunications facility with the 70 foot monopole complying with the specific criteria for a telecommunications facility in the Public Facilities Overlay, I move that we approve the site plan for the AT&T facility as presented. Before construction of the facility can commence, AT&T will need to obtain a Building Permit from Midvale City.”*

Mr. Hanson seconded the motion. A roll call vote was taken.

Mr. Hanson Yes
Mr. Liedtke Yes
Mr. Litster Yes
Ms. Costello Yes

Motion carried unanimously.

ACTION ITEM

3. CUP-21-25-454-014; PARKER DUPLEX; 158 WEST CENTER STREET; AMENDMENT TO SITE PLAN; SINGLE FAMILY RESIDENTIAL ZONE (SF-1)/DUPLEX OVERLAY; DAVE WEBSTER (APPLICANT)

Mr. Hilderman presented that on January 13, 2016, the Planning Commission reviewed and approved a conditional use permit for a two unit residential structure (duplex) located at 158 West Center Street. As part of the application and review process, a conceptual site plan was submitted that identified off-street parking with a one-car garage and individual parking stalls for each unit located towards the rear of the property.

On August 10, 2016 it was brought to Staff's attention that the concrete driveway was enlarged in the front yard setback area, did not comply with the approved site plan, and cannot be allowed to provide additional parking spaces.

As stated in the Midvale Municipal Code, Section 17-7-1.4.A.iii. states:

Impervious Surfaces. A driveway with a width of twenty feet or forty percent of the lot frontage, whichever is greater, and a sidewalk of up to five feet in width from the driveway or street to the front door. The driveway may extend an additional ten feet in width behind the sidewalk.

The property owner, David Parker, submitted a request to amend the site plan. Mr. Parker stated the purpose to increase the driveway width was for safety reasons concerning the ingress/egress of this lot and to decrease the risks of any associated hazards.

Staff felt it was appropriate to present this amended request before the Planning Commission since the site plan had been altered from the initial review and approval.

STAFF RECOMMENDATION:

The Planning Commission will need to consider the appropriateness of this request and make a final decision.

Mr. Wallin asked if the Midvale City Ordinance prohibits people from parking their vehicles in the front yard of their home.

Mr. Hilderman confirmed that using the front yard of a home as an additional parking pad is something that is prohibited by the Midvale City Ordinance. It is acceptable to park vehicles on the street in front of a home under specific circumstances but parking them off-street in front of the home is not appropriate.

There were no further questions for Staff.

Dave Webster, 112 South Tippecanoe Way, South Jordan, stated he is the applicant for this item. He commented that he and Mr. Hilderman had a discussion about possibly applying for a 10 foot

variance in the front yard. He isn't really sure what the status of that option is.

Mr. Hilderman explained there is some language regarding impervious surfaces in the Municipal Code that specifically states a driveway may be twenty feet or forty percent of the lot frontage, whichever is greater, and a sidewalk may be up to five feet in width from the driveway or street, to the front door. The driveway may extend an additional 10 feet in width behind the sidewalk. Staff is bringing this to the Planning Commission because this duplex provides a unique use that requires a Conditional Use Permit. The site plan was approved based on that type of unique use.

Mr. Wallin requested that Mr. Webster provide the Commissioners with his opinion of this item.

Mr. Webster explained that his main concern was with public safety when the decision to widen the driveway was made. Main parking for this property is located in the rear portion of the lot. There could be times that someone may be required to back out of the driveway and onto the busy road with a limited amount of visibility. Widening the driveway allows vehicles to perform a three point turn before pulling onto the main road.

Mr. Wallin asked if there was ever any kind of effort to reach out to City Staff before going through with widening the drive-way.

Mr. Webster stated they did not think to reach out to City Staff or to consult the Site Plan before pouring concrete. It was not something that occurred to them. They also thought they had a little more room to widen the driveway because they were forced to make the drive-way slightly narrower than required on the Site Plan in other areas.

Mr. Wallin expressed how troubling it is to the Commission when someone onsite chooses to unilaterally deviate from a very specific Site Plan that was approved by them. The Commission approved the Site Plan in a very formal and specific way and they expect those Site Plans to be carried out as approved.

Mr. Litster and Ms. Costello agreed with Mr. Wallin's comment.

Mr. Wallin pointed out the additional concrete has created a new issue because tenants may be tempted to park on it. While it is possible to explain to a tenant they are not allowed to park on the front widened portion of the driveway, it still remains a fact that parking there would be easier and more convenient. This could potentially raise a lot of enforcement issues for City Staff.

Mr. Webster replied parking in the front could potentially be an issue. The owners of this property have expressed their intent to ensure no one is allowed to park in front of the house. It was his suggestion to add signs that prohibit parking in front of the home as well adding it to the rental agreement. The owners seemed to be in favor of that idea.

Ms. Costello asked if this property will be used as a business or as rental living units.

Mr. Webster explained this home has been converted into a duplex with the intention of renting out each unit for people to live in. It will not be used for any kind of business purposes.

Mr. Litster offered his candid opinion that this wider driveway looks terrible. He took the liberty of visiting the site. He feels the large amount of concrete spread across the front yard of the home is not visually appealing. The City is making a concerted effort to make Center Street look nice because it is a thoroughfare, and that is why Site Plans are required to be reviewed and approved. He is very disappointed with the deviations from the Site Plan because it makes the applicant appear to be more concerned about receiving forgiveness rather than asking for permission when standards are not being met. He is not sure the Planning Commission would have approved an updated Site Plan with the changes that have already been made for the same reasons that have already been mentioned.

Ms. Costello added that installing “no parking” signs in front of a concrete pad that covers a majority of the front of the lot is only going to make this property look worse than it already does.

Mr. Wallin reiterated that parking in front of the home is going to be a temptation for tenants no matter what. He understands the intent behind widening the driveway, however, the results are an unavoidable nuisance. He asked Mr. Webster if he has any further comments regarding the opinions expressed by the Planning Commission.

Mr. Webster requested changing the subject and turning the attention of the Planning Commission to the 6 foot chain link fence to be installed around the perimeter of the property. On the back end of the property, near the garage, there are a lot of large trees and tree roots. There is the same issue on the opposite side of the property as well. He has had three different fence companies tell him they are opposed to tearing out those trees and roots because it requires a lot of additional labor. He is hoping the Commissioners might allow him to install the fence along the east side of the property and end it at the front of the garage. The fence would then be continued from the back side of the garage to the opposite side of the property.

Mr. Wallin stated he did not see a change request for the fencing included in this particular action item. If the applicant is interested in making additional changes to Site Plan then it would be prudent to formally bring that to the Planning Commission at a later time. It is something the Planning Commissioners would definitely need more time to review before making a decision. He asked if there were any other comments regarding this item.

Mike Watts, 154 West Center Street, stated he is a co-owner of the property adjacent to this duplex. He explained there is quite a bit of traffic coming from nearby business establishments such as Zions Bank. There has been a particular concern regarding safety as people are backing out of this property and onto the main road. He has witnessed two car accidents as a result of this issue.

Mr. Wallin replied he can appreciate that concern, however, there is another potential issue with vehicles using that extra pavement in an attempt to do an odd 180 turn and back out onto Center Street at an awkward angle rather than properly maneuvering a three point turn. There really could be possible safety issues with or without the widened driveway. He asked if it would be possible to install additional concrete behind the house.

Mr. Webster explained additional concrete behind the house is not really a feasible option with the number of parking stalls that are currently there. If there were fewer parking stalls then they might have a better chance of being able to do something like that.

Mr. Wallin asked if the objective of ensuring there is a turnaround could be accomplished by prohibiting parking in one of the parking stalls and designating it as a turnaround instead.

Mr. Liedtke stated that option may not work because the Code requires there to be two off-street parking spaces. Prohibiting parking in one of those spaces would reduce the number of off-street parking spaces down to three.

Mr. Litster questioned whether or not it would be possible to lengthen the existing rear parking spaces more to the east of the property. Doing so should provide ample space for maneuvering a turnaround.

Mr. Webster replied that option may not work because it would require tenants to park parallel or stacked to the east.

Mr. Litster clarified that tenants would not need to park in a parallel or stacked manner. The parking spaces would be longer and provide more room to back out and turn onto the driveway properly.

Mr. Webster stated that option might work for the two parking stalls that are closer to the home, however, it might not work for the parking stall that is closest to the garage.

Mr. Litster commented it might be harder for someone to back out and maneuver a turnaround if they are parked in the stall that is closest to the garage, however, it could still be done. It might be a little more work but it is still possible to do. In his opinion it is a better solution than leaving all of the additional concrete that has been installed in front of the home. It is a better design both functionally and visually.

Mr. Wallin agreed with Mr. Litster. He added that the cost of pouring the additional concrete in front of the home comes at great expense, as does removing it and pouring more concrete behind the home. These expenses are something the Planning Commission recognizes as a wasted cost, however, it does not change the fact that there were unapproved deviations from the Site Plan. The deviations are not something he feels the Planning Commission would have approved if the request had been formally presented to them.

Mr. Liedtke commented that he can see where the original sidewalk leading up to the front door was located and he does not mind the extra concrete that brings the driveway and the sidewalk together. He does not like the additional concrete that has been added to the east side of the existing sidewalk. Adding that concrete makes the entire front yard look like it is mostly concrete.

Ms. Costello agreed with Mr. Liedtke and added that Mr. Litster's solution of lengthening the parking stalls behind the home makes much more sense than what has already been done. She feels the applicant should tear out the additional concrete that was not included in the approved

Site Plan and a revised Site Plan should be submitted and reviewed by the Planning Commission before any more changes are made.

The Commissioners discussed what action should be taken and took some time to draft a motion.

MOTION:

Mr. Litster moved that, *“I move to deny the application for an amended Site Plan as presented tonight and invite the applicant to re-do the Site Plan along the lines of our discussion tonight which would be to make the front concrete five feet narrower, and, if necessary, add some additional concrete in the back to allow a turnaround area in the rear of the house; and also inviting the applicant to come back with his recommendations for an amendment to the fence plan.”*

Mr. Liedtke seconded the motion. A roll call vote was taken.

Mr. Liedtke Yes
Mr. Litster Yes
Mr. Wallin Yes
Mr. Hanson Yes

Motion carried unanimously.

DISCUSSION

6. ANNUAL REVIEW OF PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE

Ms. Burns presented that the Planning Commission Bylaws and Rules of Procedure document is required to be reviewed annually. The Planning Commission last reviewed this document in March and April of 2015. At that time, the Planning Commission adopted a few changes. These are noted in the table on the last page of the document.

This is an opportunity for the Planning Commission to review the document and discuss if any changes are needed.

Mr. Litster moved to table this item until all of the new Planning Commission members can be present for a discussion. Ms. Costello seconded the motion. Motion carried.

MINUTES

7. REVIEW AND APPROVE MINUTES OF MAY 25, 2016; JUNE 8, 2016; JUNE 22, 2016; JULY 13, 2016; JULY 27, 2016; AND AUGUST 10, 2016

Ms. Costello moved to approve the minutes of May 25, 2016 as presented. Mr. Liedtke seconded the motion. Motion carried.

Mr. Litster moved to approve the minutes of July 27, 2016 as presented. Ms. Costello seconded the motion. Motion carried.

ADJOURN:

Mr. Liedtke moved to adjourn at 8:45 PM.

A handwritten signature in blue ink that reads "Nicole Selman". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole Selman
DCD Administrative Assistant